IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Surendra N. Naidoo, et al.	§	Group Art Unit:	2621
		§		
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		§		
Filed:	September 18, 2001	§	Confirmation No.:	8803
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For::	VIDEO SECURITY SYSTEM	§		

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Sherra Siddle

APPEAL BRIEF

Commissioner:

This Appeal Brief is filed in support of the appeal in the above referenced application and is filed pursuant to the Notice of Appeal previously filed May 10, 2010. Applicants (who are also Appellants) acknowledge receipt of *The Notice of Panel Decision* dated July 8, 2010, having a shortened statutory period for response expiring on August 8, 2010 and hereby request a one month extension (making this brief timely filed). The Applicants authorize all required fees under 37 C.F.R. § 1.17 to be charged to Deposit Account No. 50-1515, of Conley Rose, P.C. of Texas.

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I. REAL PARTY IN INTEREST

The real party in interest in the present application is the following party: @Security Broadband Corp.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF CLAIMS

A. Total Number of Claims in the Application

Claims currently in the application: 1, 3-24, 26-31, 47-52 and 57-61.

B. Status of All Claims in the Application

1. Claims canceled: 2, 25, 32-46 and 53-56.

2. Claims withdrawn from consideration but not canceled: None.

3. Claims pending: 1, 3-24, 26-31, 47-52 and 57-61.

4. Claims allowed: None.

5. Claims rejected: 1, 3-24, 26-31, 47-52 and 57-61.

6. Claims neither rejected nor allowed: None.

C. Claims on Appeal

Claims on appeal: 1, 3-24, 26-31, 47-52 and 57-61.

IV. STATUS OF AMENDMENTS

There are no outstanding amendments.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

This section provides a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by paragraph and line number.[1] Each element of the claims is identified with a corresponding exemplary reference to the specification where applicable. The citation to passages in the specification for each claim element fails to imply that the limitations from the specification should be read into the corresponding claim element.

A. Claim 1

A security system comprising:

a security gateway located at a premises, wherein the security gateway is operable to detect an alarm condition and to record video of at least a portion of the premises relating to the alarm condition, said video hereinafter referred to as an Alarm Video (See, e.g. Application at p. 4, ll 20-24); and

a security system server operatively coupled to the security gateway through a first network and through a second network (see, e.g. Application at p. 4, ll 24-28);

wherein the security gateway is configured to transfer alarm information consisting of the Alarm Video and a first notification of the alarm condition to the security system server in substantially real time through only the first network (see, e.g. Application at p. 4, ll 25-27);

wherein the security gateway is further configured to transfer to the security system server a second notification of the alarm condition through the second network substantially

[1] 37 C.F.R. § 41.37 (c)(1)(v) provides that the "[s]ummary of claimed subject matter ... shall refer to the specification by page and line number." Thus, the citations to the specification will be presented in the following form: Application at p. ____ (page number), ll. ____ (lines on the corresponding page).

simultaneously with transferring the alarm information to the security system server through the first network (see, e.g. Application at p. 4, ll 31 – p. 5, ll2); and

wherein the security system server thereby receives the Alarm Video, the first notification of the alarm condition, and the second notification of the alarm condition from the security gateway (see, e.g. Application at p. 15, ll 7-18).

B. Claim 20

A security system comprising:

a security gateway located at a premises (see, e.g. Application at p. 5, ll 28),

wherein the security gateway is operable to detect an alarm condition and to record video of at least a portion of the premises relating to the alarm condition, said video hereinafter referred to as an Alarm Video (see, e.g. Application at p. 5, ll 28-31),

wherein the security gateway further comprises a network interface (see, e.g. Application at p. 5, ll 31), and

wherein the network interface is configured to connect the security gateway to a cable headend through a first network, wherein said first network is a hybrid-fiber-coaxial network (see, e.g. Application at p. 6, ll 1-2); and

a security system server configured to connect to the cable headend through a second network (see, e.g. Application at p. 6, ll 3-4),

wherein the security gateway is configured to transfer to the security system server alarm information consisting of a first notification of the alarm condition and the Alarm Video in

substantially real time only through the second network (see, e.g. Application at p. 6, ll 4-6, p. 21, ll 22-24);

wherein the security gateway is operatively coupled to the security system server through a third network, the security gateway being further configured to transfer to the security system server a second notification of the alarm condition through the third network (see, e.g. Application at p. 6, ll 10-13);

wherein the security gateway is configured to transfer the alarm information to the security system server through the second network substantially simultaneously with transferring the second notification of the alarm condition to the security system server through the third network (see, e.g. Application at p. 15, ll 15-18), and

wherein the security system server is configured to receive the Alarm Video through the second network, to receive the first notification of the alarm condition through the second network, and to receive the second notification of the alarm condition through the third network (see, e.g. Application at p. 6, ll 4-13).

C. Claim 57

A security system comprising:

a security gateway located at a premises, wherein the security gateway is operable to detect an alarm condition and to record video of at least a portion of the premises relating to the alarm condition, the video hereinafter referred to as an Alarm Video (see, e.g. Application at p. 7, ll 12-15);

a security system server operatively coupled to the security gateway through a first network, wherein the security gateway is configured to transfer to the security system server alarm information consisting of a first notification of the alarm condition and the Alarm Video through the first network in substantially real time and wherein the security system server is remotely located relative to the security gateway (see, e.g. Application at p. 7, ll 15-20; p. 29, ll 1-3);

a monitoring center operatively coupled to said security gateway through a second network, wherein the security gateway is configured to transfer to the monitoring center a second notification of the alarm condition without transferring the Alarm Video through the second network, wherein the monitoring center is remotely located relative to the security gateway and the security system server and wherein the monitoring center is further operably coupled to the security system server (see, e.g. Application at p. 7, ll 22-28; p. 21, ll 20-26); and

wherein the monitoring center is configured to transfer to the security system server a third notification of the alarm condition (see, e.g. Application at p. 21, ll 24-26).

VI. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1 and 3-19 are obvious under 35 USC §103(a) over *Tsumpes* (U.S. Patent No. 6,442,241).

2. Whether claims 47-49 are obvious under 35 USC §103(a) over *Tsumpes* in view of *Lemons* (U.S. Patent No. 6,504,479).

3. Whether claims 20-24, 26-31, and 50-52 are obvious under 35 USC §103(a) over *Lemons* in view of *Tsumpes* and *Kung* (U.S. Patent No. 6,826,173).

4. Whether claims 57-61 are obvious under 35 USC §103(a) over *Lemons* in view of *Menard* (U.S. Patent No. 6,667,688).

5. Whether claims 20-24, 26-31, 47-52, and 57-61 are obvious under 35 USC §103(a) over *Saylor* (U.S. Patent No. 6,400,265) in view of *Tsumpes* and *Kung*.

VII. ARGUMENT

"A person shall be entitled to a patent unless," it is anticipated under 35 USC 102 or obvious under 35 USC 103. *See 35 USC 102-103.* Thus, "the examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness." *MPEP 2142.* Section 103 of the Patent Statute states that a patent may not be obtained if "the subject matter as a whole would have been obvious at the time the invention was made to a person having skill in the art." The United States Supreme Court has explained that under Section 103, an obviousness analysis begins with a determination that "the prior art as a whole in one form or another contains all of the [claimed] elements." *Graham v. John Deere Co.,* 383 U.S. 1, 22; *see also MPEP 2141.02 and MPEP 2143.03* (stating that "when evaluating claims for obviousness under 35 USC 103, all the limitations of the claims must be considered and given weight"). So, a prima facie case of obviousness first requires that the patent examiner demonstrate that the cited prior art discloses each and every claim limitation.

Even if the cited prior art discloses all claim limitations, however, the U.S. Supreme Court has clearly stated that there must also be "an apparent reason to combine the known elements in the fashion claimed by the patent at issue." *KSR Int'l. Co. v. Teleflex, Inc.,* 550 U.S. 398, 418 (2007). It is improper to proceed "merely by demonstrating that each of [a patent's] elements was, independently, known in the prior art," since most inventions "rely upon building blocks long since uncovered, and claim discoveries of necessity will be combinations of what, in some sense, is already known." *Id.* In other words, "mere identification in the prior art of each element is insufficient to defeat patentability of the combined subject matter as a whole." *In re Kahn*, 441 F.3d 977, 986 (Fed. Cir. 2006). "Rejecting patents solely by finding prior art

corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be an illogical and inappropriate process by which to determine patentability." *In re Roffet*, 149 F.3d 1350, 1357 (C.C. Fed. 1998).

So, it is clear that in order to make a prima facie showing of obviousness, the patent examiner must do both of the following:

(1) Show that the cited prior art discloses each an every element of the claimed invention (*see MPEP 2143.03 and Graham,* 383 U.S. at 22); and

(2) Identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed invention does (*see KSR*, 550 U.S. at 418).

Applicants contend that the patent examiner has not made such a prima facie showing of obviousness, for at least the reasons set forth below.

A. §103(a) Obviousness Rejection over *Tsumpes* – The cited prior art does not disclose every element of the claimed invention

Claims 1 and 3-19 have been rejected under 35 USC 103(a), with the Final Office Action of March 9, 2010 stating that the claims are obvious over *Tsumpes* (U.S. Patent No. 6,442,241). "When evaluating claims for obviousness under 35 U.S.C. 103, all the limitations of the claims must be considered and given weight;" thus, an effective prima facie case of obviousness cannot be made unless, at a minimum, the prior art references disclose all the claim elements. *MPEP 2143.03*. Accordingly, Applicants respectfully disagree with this rejection for at least the reasons set forth below.

1. Claims 1, 3-15, and 17-19 – *Tsumpes* does not disclose substantially simultaneous transfer of two different alarm signals from security gateway to security system server through a first and a second network

a. The cited prior art does not teach substantially simultaneous transfer of alarm

Claim 1 (and thus dependent claims 3-19) requires that "the security gateway is further configured to transfer to the security system server a second notification of the alarm condition through the second network substantially simultaneously with transferring the alarm notification to the security system server through the first network." Thus, claim 1 requires sending two alarm notifications substantially simultaneously through two different networks. On page 4 of the Final Office Action of March 9, 2010, the examiner cites the discussion of a parallel and redundant contact and notification system from col. 8, lines 18-23 of *Tsumpes* as disclosing this substantially simultaneous transmission of alarm notification. Applicants have reviewed the cited portions of *Tsumpes* and respectfully disagree with the examiner's interpretation of this "parallel and redundant" language.

The reference to "parallel and redundant" in *Tsumpes* does not refer to transmissions from a security gateway to a security system server, but rather relates to communication from a central monitoring station to subscribers over multiple communications channels. This is quite clear when the language is viewed in its complete context within col. 8 of *Tsumpes*:

> One of the major benefits of the present pre-programmed and automated parallel and redundant contact and notification system and method is that it provides expeditious and efficient handling of time sensitive events and significantly reduces response time in emergencies. **The parallel and redundant calling of plural numbers and contact and notification over plural communication channels insures that the subscriber or an authorized person will be contacted quickly** even in the event one of the communications channels may be rendered inoperative or any one of a subscriber contact persons be unavailable. *Tsumpes*, Col. 8, lines 19-30 (emphasis added).

Figure 4 of *Tsumpes* further illustrates this point, showing how a single DDP code alarm transmission from controller 12 is received by central monitoring station 13, which then "starts making the simultaneous and parallel telephone calls that correspond to the group of telephone numbers and contact persons pre-programmed for that particular sensor and event." *Tsumpes*, col. 7, lines 3-26. When viewed in context, it is clear that the cited "parallel and redundant" language does not disclose simultaneous transmission of alarm notification from a security gateway (at the monitored premises) to a security system server (which might for example be located at a central monitoring station) over two different networks. Instead, *Tsumpes* is teaching a way for the central monitoring station to quickly notify a plurality of subscribers and other authorized contact persons, once the central monitoring station has received a single alarm from the controller.

Furthermore, *Tsumpes* explicitly teaches the use of only a single communication to the central monitoring station, which can be made through one of "several alternate communications channels."[2] *Tsumpes*, col. 4, lines 65-68. After all, *Tsumpes* specifically teaches that the controller is programmed to "**select** the appropriate communications network or channel on which to transmit." *See Tsumpes*, col. 3, lines 35-40 and col. 6, lines 60-65 (emphasis added). The alternate channels are available merely as back-up that can be used if the primary channel is down, for example, and so would not be used substantially simultaneously.[3] *See Tsumpes*, col. 3, lines 57-62. So the explicit teaching of *Tsumpes* is for a single alarm transmission from the controller (at the monitored premises) to the central monitoring station, with any alternate communications channels being available merely as a back-up. Clearly, *Tsumpes* does not

[2] Applicants note that the term alternate itself means substitute or alternative to be used in place of another.
[3] Applicants note that the term back-up means a reserve or substitute of the type standing by as an alternative.

disclose a security gateway that transfers two alarm notifications substantially simultaneously through two different networks (as required by claim 1, for example).

b. The cited prior art does not teach transfer of two different alarm signals over two networks

Claim 1 also requires that (1) "the security gateway is configured to transfer alarm information consisting of Alarm Video and a first notification of the alarm condition to the security system server in substantially real time through only the first network," and (2) "the security gateway is further configured to transfer to the security system server a second notification of the alarm condition through the second network." Thus, claim 1 requires simultaneous transmission of two different signals (one signal with notification and Alarm Video and one signal with just notification) through the two different networks. On page 3 of the final Office Action of March 9, 2010, the examiner points to col. 4, line 64 through col. 5, line 33 and col. 8, lines 45-50 of *Tsumpes* as teaching this point. Applicants have reviewed the cited sections and do not see any reference to transmission of two different signals over two different networks.

As noted above, *Tsumpes* teaches selecting one of alternate channels for transmission of a single signal from the controller to the central monitoring station (with the other channels serving as back-up if needed). Thus, conceptually, *Tsumpes* would send the same signal over the alternate back-up channel if necessary (because for example, the primary channel was down). If the primary channel provides video and/or audio transmissions from the monitored device to the central monitoring station, then so would the back-up channel. After all, that is the purpose of a back-up channel (e.g. to transmit the signal that is not going through the primary channel). The cited portions of the *Tsumpes* reference seem to merely indicate that the single signal could

include video/audio, and there is simply no teaching indicating that the back-up signal would be different than the primary signal (with only one channel having alarm video, for example).

So, *Tsumpes* does not disclose (1) substantially simultaneous transmission of alarm from the security gateway to the security system server using two networks or (2) transmission of two different signals (one with Alarm Video and one without) over the two networks. Since *Tsumpes* does not disclose all elements of the claims, there has been no prima facie showing of obviousness. Thus, Applicants respectfully request that these rejections be withdrawn and that claims 1, 3-15, and 17-19 be found in condition for immediate allowance.

2. Claim 16 – *Tsumpes* also does not disclose substantially simultaneous transfer of alarm video and first notification through the first network and transfer of alarm audio and second notification through the second network

The examiner has rejected claim 16 as being obvious over *Tsumpes*. First, Applicants note that claim 16 depends from independent claim 1, and so all of the arguments above for claim 1 also apply equally for claim 16 (and are hereby incorporated fully). Thus, there has been no prima facie showing of obviousness for claim 16 (since *Tsumpes* does not teach all of the elements it was being cited to show). Additionally, Applicants disagree with the examiner's assertion that *Tsumpes* teaches transmission of Alarm Video over a first network and transmission of Alarm Audio over a second network (as required by claim 16).

On page 5 of the Final Office Action, the examiner cites col. 8, lines 45-50 of *Tsumpes* as teaching this point. But as noted above (and incorporated herein), *Tsumpes* does not have any teaching of transmission of two different signals (such as one signal over a first channel with Alarm Video and a second signal over a second channel with Alarm Audio). Instead, the cited

portions of *Tsumpes* merely indicate that the single signal (which is sent through the selected channel) may include video or audio. *See Tsumpes*, Fig. 4 and col. 8, lines 45-50. Claim 16 serves to further highlight the different signals being simultaneously transmitted over the first and second networks in the claimed invention (as discussed above as a distinguishing point). Since *Tsumpes* does not teach transmission of different signals (one signal with Alarm Video and one signal with Alarm Audio) over different networks, no prima facie showing of obviousness has been made. Accordingly, Applicants respectfully request that these rejections be withdrawn and that claim 16 be found in condition for immediate allowance.

B. §103(a) Obviousness Rejection over *Tsumpes* in view of *Lemons* – The cited prior art does not disclose notifying the security system server of loss of connectivity

Claims 47-49 require that the security gateway be configured to "notify the security system server by sending a notification signal through the second network of the loss of connectivity through the first network." On page 5 of the Final Office Action of March 9, 2010, the examiner admits that *Tsumpes* does not teach this notification of a loss of connectivity. The examiner then cites Col. 9, lines 51-61 of the *Lemons* reference as disclosing notification to a central monitoring center of loss of connectivity. Applicants respectfully disagree with this rejection for at least the following reasons.

Applicants have reviewed the cited portions of *Lemons*, and do not find any disclosure relating to transmission of a notification of a loss of connectivity. Rather, *Lemons* seems to teach sending the alarm signal over a back-up line if the primary line goes down (such that "in case the channel 36 is broken, interrupted, or otherwise impaired, the controller 200 is connected to the monitoring center 38 via the CTE2 52 and the communications channel 50"). *See Lemons*, col. 9, lines 55-61. And it is clear that the transmission over the back-up line is not a notification of

loss of connectivity of the first line; rather the back-up line transmits the alarm signal that would have gone through the primary line (allowing "all functions of the integrated security system to be maintained even when the primary communications link fails, is not available, or is interrupted"). *See Lemons*, col. 5, lines 9-12. Nothing in the cited portion of the Lemons reference teaches a separate notification being sent regarding connectivity (as required by claims 47-49), so there has been no prima facie showing of obviousness. Furthermore, claims 47-49 are dependent upon claim 1, and so all of the arguments above for claim 1 also apply equally for claims 47-49 (and are hereby incorporated fully). Accordingly, Applicants respectfully request that these rejections be withdrawn, and that claims 47-49 be found in condition for immediate allowance.

C. §103(a) Obviousness Rejection over *Lemons* in view of *Tsumpes* and *Kung* – The cited prior art does not disclose every element of the claimed invention

Claims 20-24, 26-31, and 50-52 have been rejected under 35 USC 103(a), with the Final Office Action of March 9, 2010 stating that the claims are obvious over *Lemons* (U.S. Patent No. 6,504,479) in view of *Tsumpes* and *Kung* (U.S. Patent No. 6,826,173). "When evaluating claims for obviousness under 35 U.S.C. 103, all the limitations of the claims must be considered and given weight;" thus, an effective prima facie case of obviousness cannot be made unless, at a minimum, the prior art references disclose all the claim elements. *MPEP 2143.03*. Accordingly, Applicants respectfully disagree with this rejection for at least the reasons set forth below.

1. Claims 20-24 and 26-31 – The cited prior art does not disclose substantially simultaneous transfer of alarm from security gateway to security system server through a first and a second network or transmission of two different signals over the two networks

a. The cited prior art does not teach substantially simultaneous alarm transmissions

Claim 20 (and thus dependent claims 21-24 and 26-31) requires that "the security gateway is configured to transfer the alarm information to the security system server through the second network substantially simultaneously with transferring the second notification of the alarm condition to the security system server through the third network." On pages 8-9 of the Final Office Action of March 9, 2010, the examiner admits that *Lemons* does not teach such substantially simultaneous notification through two networks. Instead, the examiner cites *Tsumpes* for this point (once again arguing that the "parallel and redundant" language in col. 8 of *Tsumpes* teaches substantially simultaneous transfer of alarm notification from a security gateway on the premises being monitored to a security system server, which might be located at a central monitoring center). As noted above with regard to claim 1 and incorporated herein, *Tsumpes* does not teach substantially simultaneous transmission of notification from the controller 12 to the central monitoring station 13 (since the "parallel and redundant" language has been cited out of context). Rather, *Tsumpes* teaches selecting a single communication network (*see Tsumpes*, col. 5, lines 35-40 and col. 6, lines 64-65). Thus, no prima facie showing of obviousness has been made.

b. The cited prior art does not teach two different signals

Tsumpes also does not teach transmission of two different signals (one signal with Alarm Video plus notification and one signal with just notification) over two different networks (as discussed above with regard to claim 1 and incorporated herein). Furthermore, *Lemons* does not

disclose transmission of two different signals. After all, *Lemons* teaches a second, back-up channel, so that "in case the channel 36 is broken, interrupted, or otherwise impaired, the controller 200 is connected to the monitoring center 38 via the CTE2 52 and communication channel 50," allowing "all functions of the integrated security system to be maintained even when the primary communications link fails, is not available, or is interrupted." *Lemons,* col. 9, lines 55-59 and col. 5, lines 9-12. Since all functions go through the back-up channel in case the primary channel is down, *Lemons* clearly does not teach substantially simultaneous transfer of two different signals (for example, one with Alarm Video and one without) over two networks. Thus, no prima facie showing of obviousness has been made. Accordingly, Applicants respectfully request that these rejections be withdrawn, and that claims 20-24 and 26-31 be found in condition for immediate allowance.

2. Claims 50-52 – The cited prior art also does not disclose notifying the security system server of loss of connectivity

The examiner has rejected claims 50-52 as being obvious over *Lemons* (U.S. Patent No. 6,504,479) in view of *Tsumpes* and *Kung* (U.S. Patent No. 6,826,173). First, Applicants note that claims 50-52 depend from independent claim 20, and so all of the arguments above for claim 20 also apply equally for claims 50-52 (and are hereby incorporated fully). Thus, there has been no prima facie showing of obviousness for claims 50-52 (since the cited prior art references do not teach all of the elements they were being cited to show). Additionally, Applicants disagree with the examiner's assertion on page 11 of the Final Office Action that col. 9, lines 51-61 of the *Lemons* reference teaches notification of the server of loss of connectivity through the first network.

Applicants have reviewed the cited portions of *Lemons*, and do not find any disclosure relating to transmission of a notification of a loss of connectivity. Rather, *Lemons* seems to teach sending the alarm signal over a back-up line if the primary line goes down (such that "in case the channel 36 is broken, interrupted, or otherwise impaired, the controller 200 is connected to the monitoring center 38 via the CTE2 52 and the communications channel 50"). *See Lemons*, col. 9, lines 55-61. And it is clear that the transmission over the back-up line is not a notification of loss of connectivity of the first line; rather the back-up line transmits the alarm signal that would have gone through the primary line (allowing "all functions of the integrated security system to be maintained even when the primary communications link fails, is not available, or is interrupted"). *See Lemons*, col. 5, lines 9-12. Nothing in the cited portion of the *Lemons* reference teaches a separate notification being sent regarding connectivity (as required by claims 50-52). Thus, no prima facie showing of obviousness has been made. Accordingly, Applicants respectfully request that these rejections be withdrawn, and that claims 50-52 be found in condition for immediate allowance.

D. §103(a) Obviousness Rejection over *Lemons* in view of *Menard* – The cited prior art does not disclose the specific claimed pathway for transmission of alarm notification to the security system server

Claim 57 (and thus dependent claims 58-61) requires (1) a security gateway "configured to transfer to the security system server alarm information consisting of a first notification of the alarm condition and the Alarm Video through the first network in substantially real time," (2) with the security gateway also "configured to transfer to the monitoring center a second notification of the alarm condition without transferring the Alarm Video through the second network," and (3) "the monitoring center configured to transfer to the security system server a

third notification of the alarm condition." The examiner admits on page 13 of the Final Office Action of March 9, 2010 that *Lemons* does not disclose the required alarm notification transmissions. Instead, the examiner cites *Menard* as teaching the required alarm signals, pointing to paths A-D of Figure 1 of *Menard*. Applicants respectfully disagree with the examiner's interpretation of *Menard*.

Applicants' careful analysis of *Menard* reveals that *Menard* does not teach the claimed signal transmissions. *Menard* teaches in Figure 1 transmission of the alarm from the alarm system 10 to the central station 20 (path B) and to the user 30 (path A). Alternatively, the user may be notified of the alarm via path D in place of path A (which as Fig. 1 itself states is an optional route instead of path A). *Menard* then teaches that that the user may contact the central station to cancel the alarm via path C, providing an opportunity for intervention before the central station contacts the authorities to dispatch emergency agencies. *See Menard*, col. 4, lines 16-28 and col. 5, lines 65-68. Clearly, path C is not alarm notification, as Figure 1 plainly shows that path C allows the user to cancel the alarm.

The examiner has cited path C of figure 1 as the third notification of the alarm condition through the third network from the monitoring station to the security system server (see page 14 of the Final Office Action), but a close examination of path C reveals that path C does not transmit any type of alarm notification at all. Instead, path C allows the user/subscriber 30 to send a signal to the central station 20 canceling the alarm, so as to avoid having the police or other emergency agency called in the case of a false alarm. Thus, *Menard* clearly does not teach the required alarm notification transmission pathway required by claims 57-61, and there has been no prima facie showing of obviousness. Accordingly, Applicants respectfully request that

these rejections be withdrawn, and that claims 57-61 be found in condition for immediate allowance.

E. §103(a) Obviousness Rejection over *Saylor* in view of *Stumps* and *Kung* – The cited prior art does not disclose every element of the claimed invention

Claims 20-24, 26-31, 47-52, and 57-61 have been rejected under 35 USC 103(a), with the Final Office Action of March 9, 2010 stating that the claims are obvious over *Saylor* (U.S. Patent No. 6,400,265) in view of *Tsumpes* and *Kung*. "When evaluating claims for obviousness under 35 U.S.C. 103, all the limitations of the claims must be considered and given weight;" thus, an effective prima facie case of obviousness cannot be made unless, at a minimum, the prior art references disclose all the claim elements. *MPEP 2143.03*. Accordingly, Applicants respectfully disagree with this rejection for at least the reasons set forth below.

1. Claims 20-24 and 26-31 – The cited prior art does not disclose substantially simultaneous transfer of alarm through the first network and the second network or the required network connections

a. The cited prior art does not disclose substantially simultaneous transfer of alarm

Claim 20 (and thereby dependent claims 21-24 and 26-31) requires that "the security gateway is configured to transfer the alarm information to the security system server through the second network substantially simultaneously with transferring the second alarm notification to the security system server through the third network." Thus, claim 20 requires sending two alarm notifications to the security system server substantially simultaneously through two different networks. On pages 17-18 of the Final Office Action of March 9, 2010, the examiner admits that *Saylor* does not teach the claimed configuration for simultaneous transfer of alarm,

and once again cites the discussion of a parallel and redundant contact and notification system from col. 8, lines 18-23 of *Tsumpes* as disclosing this substantially simultaneous transmission of alarm notification. As noted above with regard to claim 1 and incorporated herein, *Tsumpes* does not teach substantially simultaneous transmission of notification from the controller 12 to the central monitoring station 13. In fact, *Tsumpes* discloses selecting a single communications network to transmit the alarm (*see Tsumpes*, col. 5, lines 35-40 and col. 6, lines 59-65, for example), so the cited prior art does not even disclose the security system server receiving alarm from two networks. Accordingly, no prima facie showing of obviousness has been made.

b. The cited prior art also does not teach the claimed network connections

Applicants also note that *Saylor* does not in fact teach the claimed network connections. Claim 20 requires the following network connections:

(1) a network interface of a security gateway connects "the security gateway to a cable headend through a first network;"

(2) "a security system server configured to connect to the cable headend through a second network;" and

(3) "the security gateway is operatively coupled to the security system server through a third network."

Thus, claim 20 requires that the first network connects the security gateway (at the premises to be monitored, for example) to a cable headend, the second network connects the cable headend to the security system server (typically located at a monitoring center), and the third network connects the security gateway to the security system server directly.

On pages 15-16 of the Final Office Action, the examiner tries to equate the first network to the connection "100 of Fig. 1 between the property (110 of fig. 1) and the central security

server (130 of fig. 1)." But as noted above, the claimed first network is supposed to connect the security gateway to a cable headend (rather than connecting directly to the security system server). In *Saylor*, however, the connection 100 is between property 110 and the central security server. Figure 1 of *Saylor* does not make any mention of a cable headend at all, and so clearly, the examiner has not shown disclosure of the first network in *Saylor*. Thus, no prima facie showing of obviousness has been made.

Additionally, the examiner tries to equate Internet 150 of fig. 1 to the claimed second network. But the Internet 150 of Fig. 1 of *Saylor* connects the central security server 130 to a user 160 (so that the central security server can warn the user when an alarm has issued). *See Saylor*, col. 4, lines 44-47. Clearly then, Internet 150 of *Saylor* cannot serve as the claimed second network linking the cable headend to the security system server (since after all, *Saylor* does not even disclose a cable headend). Thus, the examiner has not shown disclosure of the second network in Figure 1 of *Saylor*, and no prima facie showing of obviousness has been made.

And the examiner has also tried to equate POTS 152 of *Saylor* Fig. 1 (which stands for plain old telephone service, *see Saylor*, col. 5, line 46) to the claimed third network. But POTS 150 does not connect the security gateway to the security system server at all. Instead, POTS links the central security server 130 to users 160 (so that the central security server can warn the user when an alarm has issued). *See Saylor*, col. 4, lines 44-47. Thus, the examiner has not shown disclosure of the third network in Figure 1 of *Saylor*, and no prima facie showing of obviousness has been made.

It appears that the examiner has tried to force *Saylor* to fit the claims, despite the fact that the cited connections in *Saylor* do not remotely equate to the three networks of claim 20. Furthermore, there is no teaching in the cited prior art showing substantially simultaneous transfer of alarm through two different networks. For at least these reasons, there has been no prima facie showing of obviousness. Accordingly, Applicants respectfully request that these rejections be withdrawn, and that claims 20-24 and 25-31 be found in condition for immediate allowance.

2. Claim 57-58 and 60-61 - The cited prior art does not disclose the specific claimed pathway for transmission of alarm notification to the security system server

Claim 57 (and thereby dependent claims 58 and 60-61) requires (1) a security gateway "configured to transfer to the security system server alarm information consisting of a first notification of the alarm condition and the Alarm Video through the first network in substantially real time," (2) with the security gateway also "configured to transfer to the monitoring center a second notification of the alarm condition without transferring the Alarm Video through the second network," and (3) "the monitoring center configured to transfer to the security system server a third notification of the alarm condition." Thus, claim 57 requires that the security gateway be linked to the security system server through a first network, the security gateway be linked to the monitoring center through a second network, and the monitoring center transmits a third notification of alarm to the security system server (typically through a third network). On page 21 of the Final Office Action, the examiner states that *Saylor* teaches this configuration of notification signals being transmitted via networks. Applicants, however, respectfully disagree for at least the reasons below.

In the discussion set forth on page 21 of the Final Office Action, the examiner tries to equate element 160 (which *Saylor* defines as a user) as the equivalent to the required monitoring center, and claims that user 160 sends a third alarm notification to central security server 130 using Internet 150 or POTS 152. This is clearly wrong, however, since the user 160 actually receives alarm notification from the central security server. *See Fig. 1 and Saylor*, col. 4, lines 41-49 and col. 7, lines 45-51. The user's interaction with the central security server 130 in *Saylor* is not transmission of alarm notification. Instead, the user 160 interacts with the central security server 130 by receiving alarm notification and then optionally cancelling the alarm (as in the case of a false alarm, for example). *See Saylor*, col. 7, lines 45-51 and col. 9, lines 37-39. Since *Saylor* does not teach the claimed transmission of an alarm notification from a monitoring center to a security system server, there has been no prima facie showing of obviousness. Accordingly, Applicants respectfully request that these rejections be withdrawn, and that claims 57-58 and 60-61 be found in condition for immediate allowance.

3. Claim 59 – The cited prior art also does not disclose substantially simultaneous transfer of alarm from security gateway through a first and a second network

The examiner has rejected claim 59 as being obvious over *Saylor* (U.S. Patent No. 6,400,265) in view of *Tsumpes* and *Kung*. First, Applicants note that claim 59 depends from independent claim 57, and so all of the arguments above for claim 57 also apply equally for claim 59 (and are hereby incorporated fully). Thus, there has been no prima facie showing of obviousness for claim 59 (since the cited prior art references do not teach all of the elements they were being cited to show). Additionally, Applicants disagree with the examiner's assertion on

page 22 of the Final Office Action that *Saylor* teaches substantially simultaneous notification of alarm from the security gateway through a first and second network.

Claim 59 requires that the security gateway transmits alarm information to the security system server "through the first network substantially simultaneously with transferring to the monitoring station the second notification of the alarm condition through the second network." Thus, in claim 59 the security gateway substantially simultaneously transmits alarm notification to the security system server and to the monitoring center via two networks. The examiner has cited col. 1, lines 5-13 of *Saylor* as disclosing this point. Applicants have reviewed the cited section, however, and see nothing remotely related to a teaching of substantially simultaneous transmission to a server and to a monitoring center over different networks. Col. 1, lines 5-13 of *Saylor* simply states the following:

> The present invention relates generally to the field of security systems, in particular to a system and method for monitoring a security system by using video images where a wireless communication system may be used to automatically inform an owner and other authorized entities in a manner predetermined by the user when alarm situations and/or alarm worthy situations occur. *Saylor*, col. 1, lines 5-13.

This citation has no indication of substantially simultaneous information transfer from a control panel over two networks. Instead, this citation seems in line with Figs. 2 and 3 of *Saylor*, which show a single wireless alarm signal from a control panel (at a home premises for example) to the central security server, which then may re-transmit the alarm to a user. Since the cited portion of *Saylor* does not teach substantially simultaneous transmissions from the security gateway over two networks, no prima facie showing of obviousness has been made. Accordingly, Applicants respectfully request that these rejections be withdrawn, and that claim 59 be found in condition for immediate allowance.

4. Claims 47-49 – The cited prior art also does not disclose the security gateway notifying the security system server of loss of connectivity

With respect to claims 47-49, the examiner has cited col. 6, lines 50-55 of *Saylor* as teaching notification of loss of connectivity from the security gateway to the security system server. Applicants have reviewed the cited section, however, and see nothing related to notification of loss of connectivity between the security gateway and the server. Instead, this section seems to relate to the connection between the central security server 130 and the user 160, teaching that if the central security server 130 is unable to contact the user 160 "within a predetermined time frame, the system may automatically contact an emergency entity," such as police. Since the cited section of *Saylor* is irrelevant with regard to notification from the security gateway to the server of loss of connectivity, no prima facie showing of obviousness has been made. Applicants also note that claims 47-49 are dependent upon claim 1, and yet the examiner has made no argument relating to the underlying elements found in claim 1. This is yet another reason that there has been no prima facie showing of obviousness. Accordingly, Applicants respectfully request that these rejections be withdrawn, and that claims 47-49 be found in condition for immediate allowance.

5. Claims 50-52 – The cited prior art also does not disclose notifying the security system server of loss of connectivity

The examiner has rejected claims 50-52 as being obvious over *Saylor* (U.S. Patent No. 6,400,265) in view of *Tsumpes* and *Kung*. First, Applicants note that claims 50-52 depend from independent claim 20, and so all of the arguments above for claim 20 also apply equally for claims 50-52 (and are hereby incorporated fully). Thus, there has been no prima facie showing of obviousness for claims 50-52 (since the cited prior art references do not teach all of the

elements they were being cited to show). Additionally, Applicants disagree with the examiner's assertion on page 20 of the Final Office Action that *Saylor* teaches notification of loss of connectivity from the security gateway to the security system server. The examiner has cited col. 6, lines 21-34 of *Saylor* for this point. Applicants have reviewed the cited section, however, and see nothing related to notification of loss of connectivity between the security gateway and the server. Instead, this section discusses use of a backup if the primary communication network is unsuccessful. The backup would send the same alarm signal as the primary network, however, so there is no teaching of a notification regarding loss of connectivity. Since the cited section of *Saylor* is irrelevant with regard to notification from the security gateway to the server of loss of connectivity, no prima facie showing of obviousness has been made. Accordingly, Applicants respectfully request that these rejections be withdrawn, and that claims 50-52 be found in condition for immediate allowance.

VIII. CONCLUSION

It is believed that each ground of rejection raised in the Final Office Action dated March 9, 2010 has been fully addressed. In view of the above arguments, the Applicants respectfully request that the final rejection of the claims be reversed and that the case now be advanced to issuance. Applicants also respectfully note that this application has been pending since 2001, with Applicants repeatedly overcoming numerous different prior art rejections. Applicants respectfully suggest that the Patent Office has had ample opportunity to cite prior art and examine this matter, and that now this application should move to immediate issuance. After all, "piecemeal examination should be avoided as much as possible." *MPEP 707.07(g)*. And since on examination "it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor." *MPEP 701*. Should the Examiner feel that a telephone interview would advance prosecution of the present application, the Applicants invite the Examiner to call the attorneys of record.

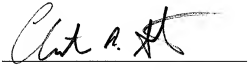
The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 50-1515, of Conley Rose, P.C. of Texas. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required are hereby authorized to be charged to the Deposit Account set

forth above. If petition for extension of time is necessary for this paper to be deemed timely filed, please consider this a petition therefore.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: September 8, 2010



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IX. CLAIMS APPENDIX

1. A security system comprising:

a security gateway located at a premises, wherein the security gateway is operable to detect an alarm condition and to record video of at least a portion of the premises relating to the alarm condition, said video hereinafter referred to as an Alarm Video; and

a security system server operatively coupled to the security gateway through a first network and through a second network;

wherein the security gateway is configured to transfer alarm information consisting of the Alarm Video and a first notification of the alarm condition to the security system server in substantially real time through only the first network;

wherein the security gateway is further configured to transfer to the security system server a second notification of the alarm condition through the second network substantially simultaneously with transferring the alarm information to the security system server through the first network; and

wherein the security system server thereby receives the Alarm Video, the first notification of the alarm condition, and the second notification of the alarm condition from the security gateway.

2. (Canceled).

3. The system of claim 1, wherein the first network is an IP network.

4. The system of claim 1, wherein the first network is an Ethernet-based network.

5. The system of claim 1, wherein the first network comprises the Internet.

6. The system of claim 1, wherein the first network comprises a frame relay network.

7. The system of claim 1, wherein the first network comprises a hybrid-fiber coaxial network.

8. The system of claim 1, wherein the first network comprises a fiber-optic network.

9. The system of claim 1, wherein the first network comprises a DSL network.

10. The system of claim 1, wherein the first network comprises an ATM network.

11. The system of claim 1, wherein the first network comprises a high-speed fixed wireless network.

12. The system of claim 1, wherein the first network comprises a high-speed mobile communications network.

13. The system of claim 1, wherein the second network comprises a public switched telephone network.

14. The system of claim 1, wherein the second network comprises a fixed wireless network.

15. The system of claim 1, wherein the second network comprises a mobile communications network.

16. The system of claim 1, wherein the security gateway is further operable to record audio from at least a portion of the premises relating to the alarm condition, said audio referred to hereinafter as Alarm Audio, and wherein the security gateway is further configured to transmit said Alarm Audio to the security system server through the second network in substantially real time.

17. The system of claim 1, wherein the security system server is configured to provide notification of the alarm condition to a public safety agency.

18. The system of claim 17, wherein the security system server is further configured to provide the Alarm Video to the public safety agency.

19. The system of claim 1, wherein the security gateway is further operable to record audio from at least a portion of the premises relating to the alarm condition, said audio referred to hereinafter as Alarm Audio, and wherein the security gateway is further configured to transmit said Alarm Audio to the security system server through the first network in substantially real time.

20. A security system comprising:

a security gateway located at a premises,

wherein the security gateway is operable to detect an alarm condition and to record video of at least a portion of the premises relating to the alarm condition, said video hereinafter referred to as an Alarm Video,

wherein the security gateway further comprises a network interface, and

wherein the network interface is configured to connect the security gateway to a cable headend through a first network, wherein said first network is a hybrid-fiber-coaxial network; and

a security system server configured to connect to the cable headend through a second network,

wherein the security gateway is configured to transfer to the security system server alarm information consisting of a first notification of the alarm condition and the Alarm Video in substantially real time only through the second network;

wherein the security gateway is operatively coupled to the security system server through a third network, the security gateway being further configured to transfer to the security system server a second notification of the alarm condition through the third network;

wherein the security gateway is configured to transfer the alarm information to the security system server through the second network substantially simultaneously with transferring the second notification of the alarm condition to the security system server through the third network, and

wherein the security system server is configured to receive the Alarm Video through the second network, to receive the first notification of the alarm condition through the second network, and to receive the second notification of the alarm condition through the third network.

21. The system of claim 20, wherein the second network is a dedicated bandwidth network.

22. The system of claim 20, wherein the second network comprises a frame relay network.

23. The system of claim 20, wherein the second network comprises an ATM network.

24. The system of claim 20, wherein the second network comprises a managed IP connection having quality of service.

25. (Canceled).

26. The system of claim 20, wherein the third network comprises a public switched telephone network.

27. The system of claim 20, wherein the third network comprises a fixed wireless network.

28. The system of claim 20, wherein the third network comprises a mobile communications network.

29. The system of claim 20, wherein the security gateway is further operable to record audio from at least a portion of the premises relating to the alarm condition, said audio referred hereinafter as Alarm Audio, and wherein the security gateway is further configured to transmit said Alarm Audio to the security system server through the second network in substantially real time.

30. The system of claim 20, wherein the security system server is configured to provide notification of the alarm condition to a public safety agency.

31. The system of claim 30, wherein the security system server is further configured to provide the Alarm Video to the public safety agency.

32-46. (Canceled).

47. The system of claim 1, wherein the security gateway is further configured to detect if connectivity with the security system server through the first network is lost and notify the security system server by sending a notification signal through the second network of the loss of connectivity through the first network.

48. The system of claim 1, wherein the security gateway is further configured to notify the security system server in the event that connectivity with the security system server through the

first network is lost while the security gateway is disarmed and the security gateway is armed before connectivity with the security system server through the first network is restored.

49. The system of claim 48, wherein the security gateway is further configured to detect if connectivity with the security system server through the first network is lost and notify the security system server by sending a notification signal through the second network of the loss of connectivity through the first network.

50. The system of claim 20, wherein the security gateway is further configured to detect if connectivity with the security system server through the second network is lost and notify the security system server by sending a notification signal through the third network of the loss of connectivity through the second network.

51. The system of claim 20, wherein the security gateway is further configured to notify the security system server in the event that connectivity with the security system server through the second network is lost while the security gateway is disarmed and the security gateway is armed before connectivity with the security system server through the second network is restored.

52. The system of claim 51, wherein the security gateway is further configured to detect if connectivity with the security system server through the second network is lost and notify the

security system server by sending a notification signal through the third network of the loss of connectivity through the second network.

53-56. (Canceled)

57. A security system comprising:

a security gateway located at a premises, wherein the security gateway is operable to detect an alarm condition and to record video of at least a portion of the premises relating to the alarm condition, the video hereinafter referred to as an Alarm Video;

a security system server operatively coupled to the security gateway through a first network, wherein the security gateway is configured to transfer to the security system server alarm information consisting of a first notification of the alarm condition and the Alarm Video through the first network in substantially real time and wherein the security system server is remotely located relative to the security gateway;

a monitoring center operatively coupled to said security gateway through a second network, wherein the security gateway is configured to transfer to the monitoring center a second notification of the alarm condition without transferring the Alarm Video through the second network, wherein the monitoring center is remotely located relative to the security gateway and the security system server and wherein the monitoring center is further operably coupled to the security system server; and

wherein the monitoring center is configured to transfer to the security system server a third notification of the alarm condition.

58. The system of claim 57, wherein the monitoring center is operatively coupled to the security system server through a third network and wherein the monitoring center is configured to transfer to the security system server the third notification of the alarm condition through the third network.

59. The system of claim 58, wherein the security gateway is configured to transfer to the security system server the alarm information through the first network substantially simultaneously with transferring to the monitoring station the second notification of the alarm condition through the second network.

60. The system of claim 57, wherein the monitoring center is operatively coupled to the security system server through the first network and wherein the monitoring center is configured to transfer to the security system server the third notification of the alarm condition through the first network.

61. The system of claim 60, wherein the security gateway is configured to transfer to the security system server the alarm information through the first network substantially simultaneously with transferring to the monitoring station the second notification of the alarm condition through the second network.

X. EVIDENCE APPENDIX

None.

XI. RELATED PROCEEDINGS APPENDIX

None.